

Circumstantial Case

The Astorian's Novel is in Four Chapters

Continued from Wednesday's Astorian.

CHAPTER IV.

When I next saw my friend, in the Tombs, he was cool and self possessed, but I thought that I detected a hardness about him that I had never seen before. I offered such comfort as was possible under the circumstances. We had yet to argue the motion for a new trial, and if that were denied an appeal would be made. More than a year would elapse before the matter could be adjudicated, and meanwhile he had the right to be released on bail, and—

But he interrupted me. "No, Graham," said he. "I have thought it all over very carefully, and I shall content the matter no further. I am the victim of either conspiracy or fate, and in either case I don't see how I can successfully resist. I have gone over all the evidence in my mind, and I have not a word of censure for the jury. If I didn't positively know that I was innocent I believe the testimony would have convinced me of my own guilt. I shall take my sentence as bravely as I can, knowing that I am not the first man unjustly convicted by circumstantial evidence which he couldn't overcome. The prison stripes will not degrade me in the eyes of Agnes. A few years will soon pass away, and when I come out we shall be married and go away—go somewhere where my disgrace will not be known—and—"

Here he choked and broke down and, after a manifest struggle with himself, surrendered his strong frame to convulsive sobs. I made no effort to check his emotion. I thought of the trite antithesis between the sapling that bends and the forest giant that consents to be snapped asunder rather than bow before the blast. When the wind's fury dies away and the clouds are rifted by the sun, the sapling will once more lift its head, and through its freshened crown of foliage the raindrops will fall, like tears of pity, upon the splintered trunk beneath.

At length he recovered his self control, although not his composure. He even tried to smile.

"Will you see her?" he asked. "Will you tell her how I worship her for her heroism in the courtroom? Say to her that if she can find it in her heart to visit me in this place the brave memory of her visit will flood my cell with sunlight."

I promised and soon afterward left him.

That afternoon I had a caller. "A lady in black" was the comprehensive description of her by my sententious office boy, but when he opened the door I had no difficulty in recognizing her even through her veil.

"Miss Etheridge?" And I hastily placed a chair, for she seemed about to faint.

"Mr. Graham, have you seen Mr. Scarborough?"

"Yes," I answered, "this morning."

"How is he feeling?"

"Worried, of course, but bearing up like the brave, noble fellow he always was."

"When will they take him to—away?" Poor girl! She could not force her lips to form the word prison in connection with her lover.

"I cannot tell," I replied, dreading to add to her distress. "If he would permit me to employ the customary legal tactics in such cases he might soon regain at least temporary freedom."

"And he will not?" The words were parted rather than spoken.

"He has not yet consented," I answered guardedly, "but I have hope of being able to persuade him."

"He must!" she burst forth passionately. "Tell him so for me. He must come out of that place tomorrow if he wants to see me. Oh, Mr. Graham, my aunt is going to take me abroad on Saturday. She says that it must be all over between Jack and me; that I shall not marry a—a—oh, how can I say it—a convicted felon!"

Her face was white and tearless, and I thought I could read there a spirit that it would be hard to break and a soul that would remain steadfast until death.

"Miss Etheridge," I said, "if your aunt carries you to Europe on Saturday's steamer your only hope of seeing Jack before sailing is to visit him at the Tombs. It will be impossible under any circumstances to secure his liberation between now and then."

I expected to see at least a shudder. I thought that I might have to convey Jack's message to her. But I did not know her courage. Her eyes did not droop nor her voice falter as she looked at me and said simply:

"I will go tomorrow, but you must accompany me. At what time shall we go?"

"What time will best suit you?"

For a moment the grand head was bent forward, bringing the white, shapely neck into greater prominence.

"I can command the carriage from 9 till 11. I will do my shopping this afternoon and have my parcels delivered at a place where I can find them tomorrow morning. I could meet you at the main entrance to the Tombs a little before 10. Then afterward I could pick up my bundles and still get home in time for lunch."

"Admirable!" I cried. "You may rely upon me as a co-conspirator."

Her eyes fell as she virtually reproved what to her appeared unseem-

ly levity in the face of this terrible misfortune in her young life.

"I am no conspirator," she said gently, "and you are Jack's dearest man friend. I trust you implicitly." And with this reassuring statement she left me.

Why was it that the room seemed so vacant after she had gone? Why did I sit for an indefinite period gazing into nothingness? Why did the faint, lingering reminiscence of the odor which she had brought into my office seem like incense? I sat at my desk until daylight faded into dusk and dark deepened into night before I fully realized that it was time for me to leave. A walk even in the close atmosphere of a sultry autumn evening was attractive, and I resolved to patronize no conveyance. I found Washington square almost deserted and sat down on a bench to rest. A fog was forming, and from the damp grass a sort of diaphanous brocade of violet and silver was beginning to rise, floating dreamily hither and yon like ghosts in flowing garments. Yet above, the blue arch was resplendent with stars. Fleecy clouds chased one another across the face of the moon, sharing while they refracted its brilliance. And as I sat and gazed and wondered at the power and glory revealed there came into my soul a peace even as I remembered that, after all, the moon shines with but a reflected light.

Next morning Miss Etheridge paid her visit to the Tombs, with me as her attendant squire. It was necessarily unsatisfactory, yet after it was over I found that it had comforted Jack amazingly. Yet he was still obstinately determined to go to prison, "willy nilly." And so within ten days I had the grief to shake hands with him at the Forty-second street station as he sat in a smoker's bound for Sing Sing, handcuffed to a dushly dressed man who I ascertained had been sentenced to a long term for squandering the fortune of his orphan niece, the only child of his brother, who had committed her to him on his deathbed.

For several weeks thereafter I found it difficult to perform even routine duties. The prison rules prohibited communication with Scarborough for a month to come. I had undertaken to become a channel of communication, more or less subterranean, between Jack and his betrothed, but had heard nothing from Miss Etheridge. The enforced inactivity was becoming unendurable. Over and over again I asked myself, what can I do to help him? Over and over I read again the minutes of the trial in the vain hope of discovering some loophole through which his innocence might be made to appear. At length, not with any expectation of accomplishing any tangible result, but simply to relieve my mental tension by making myself believe that I was doing something, I determined to consult Inspector Mahoney.

The inspector was at the head of the detective force and highly esteemed alike for his sagacity and his probity. While he had never been suspected of acumen such as Dr. Doyle ascribed to Sherlock Holmes, it was said of him that his perceptive powers were extraordinarily acute and that in many a perplexing case he had been able to designate the criminal upon having a bare recital of the facts.

He listened to my story with every appearance of interest, putting a question now and then in reference to what he seemed to regard as salient points. When I had finished he looked thoughtful for a few moments and then said: "I should say that the strongest point against your friend is the finding of the gold filings on the floor of the alcove in which the coin disappeared. Taken in connection with the other evidence brought forward by the prosecution, that circumstance would convince any jury in the absence of any stronger defense than you were able to put up."

I admitted that he was correct. It not only would have convinced a jury; it had done so.

"Very well, then," went on the inspector, "find the man who put those filings where they would be so conveniently found and you will soon get on the track of the lost 'noble.' In other words, find the man who manufactured this damaging bit of evidence and you have found the thief."

I was indignant at myself that this simple idea had never occurred to me. I had formed the theory that the finding of the gold dust had been one of those unaccountable coincidences which so often present themselves for no other apparent reason than to baffle the intellect and pervert justice.

"Have you," I asked, "formed any definite idea as to the identity of the thief?"

The inspector laughed. "That is a plump, straightforward question," said he, "and I will answer it by another. What is your theory as to the disappearance of the coin? On your judgment, who besides your friend had any chance of making away with it between the time he took it from the tray and the moment when he was turned over to the officer after further search had been abandoned?"

Only one inference could be drawn, and, while he had not given a direct answer to my question, his meaning was plain.

"Do you mean to say," I queried, "that Golsen?"

"I mean to say nothing," was his

somewhat curt response. "Why did God give you a brain if not to aid you in drawing a conclusion?"

It seemed all clear enough then. That wretched man had found and concealed the gold piece which poor Jack had let fall from his nervous fingers, and the temptation to obtain, seemingly without a risk, a prize worth more than a whole year's wages had proved too strong for his honesty. With a cunning prompted by the arch fiend he had filed the edges of the stolen specimen and carefully placed the filings where he knew that they would be found by the cleaner, an honest man, who he felt confident would turn them over to the authorities of the library. Everything had turned out as he wished. Scarborough had been convicted, and what was there to prevent his advantageous disposal of the booty which had cost an honest man his liberty and his reputation and had well nigh broken the heart of the noblest woman into whom the Creator had ever breathed the breath of life?

"Inspector," I said, with a headlong impetuosity born of righteous but unreflecting indignation, "I will take out a warrant for Golsen at once, within an hour."

"And of what use would that be?" he inquired. "You can prove nothing. It would be impossible to convict him on suspicion. I will admit that circumstances seem to incriminate him, but before the fox's tail is taken as a trophy, the hounds must run him to his death. Do you wish us to make an investigation?"

I lost no time in assuring him that such was the dearest wish of my heart.

"Very well, then," said he. "You may rely upon my detailing one of my shrewdest and most experienced men. It is hardly probable that the thief, whoever he may be (he cautiously added) would undertake to sell so rare and valuable a coin at home. Some foreign market would be his safest and most profitable outlet. Nor do I believe that he has yet attempted to dispose of it anywhere. Did I understand you to say that the man whom you seem to suspect is at present conducting a boarding house, and, if so, where?"

I answered that I had been so informed, but that as to the location of his alleged hostelry I knew nothing.

"Never mind," said Inspector Mahoney, "I dare say we can locate him."

For a month thereafter I made weekly calls at the headquarters in Mulberry street, one disappointment following close upon the heels of another. I had communicated with both Jack and Miss Etheridge, and I hoped (yes, I say it in all sincerity) to crown their happiness by vindicating Agnes' lover, even in the eyes of her Cerberus of an aunt. Yet as month succeeded month and my load of suspense was not lightened I grew discouraged. The inspector's reports were vague and unsatisfactory. Could it be that, after all, I was the victim of either incompetency or guile?

At length on making one of my perfunctory visits to his office my official friend greeted me with unwonted cordiality—in fact, he seemed a trifle effusive. He handed me a cablegram.

"There, Mr. Graham," said he, "if you will read that you will see that we have not been idle."

The dispatch ran as follows:

From J. B. Scotland Yard, London, to Mahoney, New York:

Golsen nabbed with coin on person. Shall we await extradition?

For a moment or two I gazed at the bit of yellow paper as one whose perception and reasoning faculties have



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been alike benumbed, then in a transport of joy I grasped Mahoney's hand and wrung it warmly.

"Your success has surpassed my fondest hopes," I said. "It seems as though there must be some mistake. Surely this is real!"

"Altogether real, Mr. Graham, and I am, believe me, as well pleased as you."

"But how was it brought about?" I asked, not yet fully recovered from my bewilderment.

"It is a very simple story," said Mahoney, "and as I happen to have about twenty minutes to spare I will tell you all about it. To begin with, I was already on the track of the thief when you first honored me by asking my assistance."

"But," I interrupted, scarcely knowing whether I was awake or dream-

ing, "who could have taken sufficient interest to anticipate me, his dearest friend?"

The inspector coughed behind his hand and looked wise.

"Mr. Graham," said he, "I am pretty well along in years. I have been married twice and am the father of eleven children, eight of whom, I am proud to say, happened to be girls. Consequently I have had uncommonly good opportunities for studying the feminine character from a domestic as well as a professional standpoint. And let me give you a pointer in a fatherly way. Don't you ever believe that one man is the dearest friend to any other man. It's unreasonable and impossible. Now, here is an illustration in this very case. Within a week after your 'dearest friend's' conviction a lady invoked my aid to restore to her lover his freedom and his good name."

I could see a twinkle in the eye and a twitching about the corners of the mouth, which showed how keenly the old officer was enjoying his own joke and my confusion, but I was too happy to feel angry.

I saw it all. Agnes, the single hearted, had determined to leave no stone unturned, and without consulting me had set on foot a quiet investigation on her own account. Had she distrusted me? Ah, the agony of that thought! Well, she had reason to doubt my capability, but not, God knew, my fidelity.

"Go on, Mr. Mahoney," I said; "do not keep me in suspense."

"Certainly not," he said, "at the story can be very soon told. Golsen's boarding house was well patronized by my men, only one of whom stayed long at a time, although all worked in concert. His habits were learned, his servants were in our confidence" (here the inspector solemnly winked) "and at the time of your first call I had already learned that he had entered upon negotiations with the British museum for the sale of the stolen coin for £150. The folks at Scotland Yard did me a good turn in the case, just as we have done for them hundreds of times. The museum authorities offered a good, round figure, but insisted on seeing what they were going to get before they paid for it and flatly refused to deal with middlemen. What was the result? Golsen took steamer passage to Liverpool and traveled third class from there to London. He offered his 'swag' at the museum, and of course the officers gobbled him then and there."

It was all plain. My friend was cleared. The finding of that infernal "noble" would establish the truth of his story, and of course the state, after having unjustly condemned him, would render him the only reparation in its power—a free pardon for a crime which he had never committed. And this is the perfection of modern justice!

I need not dwell upon what followed. I need not tell of the return, confession and conviction of Golsen, the release of Scarborough, the remorse of the librarian, the repentance of Agnes' aunt and the happy marriage of the two over the course of whose love had come so dark a cloud.

I was Jack's best man at the wedding, and I thank God that on that day as I touched Agnes' cheek with my lips in my heart there was no pang.

MORE HOLIDAYS.

PORTLAND, Nov. 30.—Gov. Chamberlain today extended the holidays to include Monday, Tuesday and Wednesday of next week.

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Sparkling Sec Dry—Fragrant, effervescent.

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